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10/523848

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: : Docket No. 5173-0010WOUS
Donnelly et al. : Date: October 14, 2005
Serial No.: 10/523,848 : Group Art Unit: Not yet assigned
Filed On: February 7, 2005 : Examiner: Not Yet Assigned
TITLE: WATER TREATMENT APPARATUS

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23 JAN 2006

Legal Staff
International Division

Sir:

PETITION UNDER 37 C.F.R. 1.47 (d)

The applicant hereby submits the present petition since one of the inventors in this application, Vernon J. Donnelly, is unwilling to execute the declaration.

The present application claims priority from International Application PCT/GB03/03471 filed August 7, 2003 and British application 0218318.4 filed August 7, 2002, naming inventors Vernon J. Donnelly and Vincent J. Garvey. The present application was filed in the United States Patent and Trademark Office on February 7, 2005.

On May 24, 2005, the undersigned attorney forwarded a copy of a declaration and power of attorney, a copy of which is attached hereto as Exhibit A, to British counsel for inventors Donnelly and Garvey to sign.

On July 18, 2005, the undersigned sent a reminder letter to British legal counsel representing the applicant, Strix Limited, reminding him to send us the formal documents signed by the inventors.

On August 25, 2005, the undersigned sent a second reminder letter to British legal counsel reminding him to send us the formal documents signed by the inventors.

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On September 13, 2005, the undersigned sent a third reminder notice to British legal counsel reminding him to send us the executed formal documents.

On October 13, 2005, the undersigned received the declaration and power of attorney executed by Mr. Garvey from British counsel.

On October 13, 2005, the British legal counsel representing the applicant informed us that he was informed by personnel of the applicant, Strix Limited, that Mr. Donnelly is unwilling to sign the declaration and power of attorney document. A copy of the correspondence is attached hereto as Exhibit B, with non relevant portions redacted.

The applicant, Strix Limited, has been unable to secure the signature of one of the inventors, Vernon J. Donnelly. Mr. Donnelly's last known home and business addresses are as follows: 54 Meadow Crescent, Saddlestone, Braddan, Isle of Man IM2 1NL and Strix Limited, 179 Queen Victoria Street, London, England EC4V 4EL

Upon information and belief, under British law, the inventor Vernon J. Donnelly has a legal obligation to assign all right, title and interest in the above-application to Strix Limited.

The applicants represented hereby respectfully request granting of this petition in order to complete the application filing process and prevent irreparable harm to Strix Limited.

Respectfully submitted,



Richard D. Getz
Reg. No. 36,147
O'Shea, Getz & Kosakowski, P.C.
1500 Main Street, Suite 912
Springfield, MA 01115
(413) 731-3100 x103

Richard Getz

From: Adrian Samuels [adrians@frankbdehn.co.uk]
Sent: Thursday, October 13, 2005 4:48 AM
To: Richard Getz
Subject: RE: Your ref: 5173-0010; Our ref: 96.64.78028/13

Attachments: assdec



assdec.PDF (159
KB)

> <<assdec>>

>
> -----
> From: Adrian Samuels
> Sent: 13 October 2005 09:47
> To: 'Rich Getz'
> Cc: Laura Ramsay
> Subject: FW: Your ref: 5173-0010; Our ref: 96.64.78028/13
>
>

> Dear Rich

> US Patent Application No. 10/523,848
> Strix Limited
>
> [REDACTED]
> [REDACTED]
>

> Turning to the above-mentioned case, please if possible file a
> response to the missing parts objection by the one month extended
> deadline of 14 October 2005.
>

> Please find attached below a copy of the Declaration/Power of Attorney
> and Assignment forms as signed by one of the two inventors. The forms
> were signed on 11 October 2005.
>

> The second inventor is refusing to sign the forms. Please find below
> correspondence with the inventor Vernon Donnelly confirming this
> (although you will see he agrees that he is a true inventor). [REDACTED]
> [REDACTED]
> [REDACTED]
> [REDACTED]
>

> Kind regards

> Adrian
>
>

> -----
> From: Mike Scott[SMTP:Mike.Scott@STRIX.COM]
> Sent: 06 October 2005 14:25
> To: Adrian Samuels (E-mail)
> Cc: Paul Mulvenna
> Subject: FW: US Patent Application 10/523,848 (ref
> 96.64.78028/13)
>

> Dear Adrian,

> Please find below, just one of the e-mail trails

> with Vernon concerning sign off of the US patent docs. He is still
> refusing to sign, is this sufficient or will you still need an
> affidavit from Paul Mulvenna and myself.

>
> Best regards
> Mike

> -----Original Message-----

> From: Vernon Donnelly (Aclai Design) [mailto:vernon@aclai.com]
> Sent: 06 October 2005 14:21
> To: Mike Scott
> Subject: RE: US Patent Application 10/523,848 (ref 96.64.78028/13)

> Hi Mike

> I can confirm I was the inventor / designer for a range of Strix
> associated projects including Clean Water. Some patent applications
> were generated during my employment a number of years back, while others are
> new like the above. As I said, some business related to Strix
> including all IP matters are on hold until we have fairly resolved
> the situation to the benefit of everyone.

> I hope by pitching for work as always, it will someday be a
> catalyst to free up relations and I know you will always continue to
> support my efforts.

> Best Regards

> Vernon

>
> _____
> Aclai Design Ltd
> Units 4-5 Harmat Court
> Balthane Industrial Estate
> Ballasalla
> Isle of Man
> IM9 2AU

> Tel +44-(0)1624-823515
> Fax +44-(0)1624-824323

> E-Mail vernon@aclai.com
> Website www.aclai.com
> _____

> *****

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> *****
>
>

> -----Original Message-----
>

> From: Mike Scott [mailto:Mike.Scott@STRIX.COM]
>

> Sent: 06 October 2005 12:31
>

> To: Vernon Donnelly (Aclai Design)
>

> Subject: RE: US Patent Application 10/523,848 (ref
> 96.64.78028/13)
>
>

> Dear Vernon,
>

> We are going to submit an affidavit stating the
> facts, that you were an inventor on this patent. Your confirmation
> that you are not willing to sign the documents supports our submission
> of the affidavit, but if you unwilling to give this confirmation, we
> will submit the affidavit anyway with statements from myself and Paul
> Mulvenna that we have asked you to sign the documents but you have
> refused.
>
>

> Hope this is clear.
>

> Please let me know your decision.
>
>

> Best regards
>

> Mike
>
>

> -----Original Message-----
>

> From: Vernon Donnelly (Aclai Design) [mailto:vernon@aclai.com]
>

> Sent: 06 October 2005 10:23
>

> To: Mike Scott
>

> Subject: RE: US Patent Application 10/523,848 (ref
> 96.64.78028/13)
>
>

> Hi Mike,
>

> What exactly is your route forward on this without my signature?
>
>

> Best Regards
>

> Vernon
>
>

> -----Original Message-----
>

> From: Mike Scott [mailto:Mike.Scott@STRIX.COM]
>

> Sent: 03 October 2005 18:41
>

> To: Vernon J. Donnelly (E-mail)
>

> Subject: US Patent Application 10/523,848 (ref
> 96.64.78028/13)
>
>

> Dear Vernon,
>

> Following our telephone calls last week, could
> you please confirm by return e-mail that you accept you where one of
> the inventors for US Patent Application 10/523,848 (the clean water
> patent) but are unwilling to sign the declaration or assignment documents.
> If you can confirm this was the nature of our discuss by e-mail, this
> will close this matter as far as you are concerned.
>
>

> Best regards
>

> Mike
>
>

> *****
> *****
> *****
>
>

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> If you receive this e-mail in error, please contact Strix on +44 (0)1624 829829.

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> to run a virus check on e-mails and attachments before opening them.

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> *****

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>

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www.frankbdehn.com

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10/523848

DECLARATION AND POWER OF ATTORNEY

As below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and sole inventor (if only one name is listed below) or original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

WATER TREATMENT APPARATUS

the specification of which

(Check _____ is attached hereto.
one)

X was filed on February 7, 2005

as Application Serial No. 10/523,848

and was amended on _____ (if applicable)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §§1.56 and 1.63(d).

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u>PCT/EP2004/0141519</u>	<u>WIPO</u>	<u>07 August 2003</u>	<u>X</u>	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

<u>GB 0218318.4</u>	<u>GB</u>	<u>07 August 2002</u>	<u>X</u>	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

We hereby claim the benefit under 35 U.S.C. §119(e) of any United States Provisional Application(s) listed below:

Provisional Application(s)

Priority Claimed

(Number)	(Day/Month/Year Filed)	Yes	No
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10/523848

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §§1.56 and 1.63(d) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status: patented,
pending, abandoned)

We hereby appoint all registered patent attorneys associated with Customer Number 50811 assigned to the firm of O'Shea, Getz & Kosakowski, P.C., 1500 Main Street, Suite 912, Springfield, MA 01115, telephone 413-731-3100, as our attorneys to prosecute this application, to make alterations and amendments therein, to receive the patent and all correspondence relating to this application, and to transact all business in the U. S. Patent and Trademark Office connected therewith, and the said attorneys are hereby given full power of substitution and revocation.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **Vernon J. Donnelly**

First inventor's signature: _____ Date: _____

Residence: **54 Meadow Crescent, Saddlestone, Braddan, Isle of Man IM2 1NL**

Post Office Address: *(same as above)*

Citizenship: **Isle of Man**

Full name of second joint inventor, if any: **Vincent J. Garvey**

Second inventor's signature: _____ Date: _____

Residence: **4 Princes Street, Douglas, Isle of Man, IM1 1BD**

Post Office Address:

Citizenship: **Isle of Man**